

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07

L-03 NSAE-00 PA-01 PRS-01 SP-02 SS-15 AID-05

COME-00 EB-08 FRB-03 TRSE-00 XMB-02 OPIC-03

LAB-04 SIL-01 OMB-01 STR-07 CEA-01 NSCE-00 SSO-00

USIE-00 INRE-00 HA-05 FDRE-00 /090 W

-----091128 301846Z /45

O R 301801Z JAN 78

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC IMMEDIATE 5535

INFO AMEMBASSY GUATEMALA

AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR

AMEMBASSY TEGUCIGALPA

C O N F I D E N T I A L MANAGUA 0441

E.O. 11652: GDS

TAGS: PINS, NU, SHUM

SUBJECT: STATE OF EMERGENCY RESURRECTED

1. THE SECRETARIAT OF INFORMATION AND PRESS OF THE PRESIDENCY OF NICARAGUA ANNOUNCED JAN. 27 THAT THE NATIONAL EMERGENCY COMMITTEE HAD BEEN REORGANIZED JAN. 24. THE COMMITTEE IS COMPOSED OF PRESIDENT SOMOZA, THE CABINET, THE OFFICIAL PRESIDENTIAL ADVISORS, THE SECRETARY OF THE SUPREME COMMAND OF THE NATIONAL GUARD, AND THE VICE-MINISTER OF URBAN PLANNING. ACCORDING TO THE SOMOZA FAMILY NEWSPAPER NOVEDADES, THE COMMITTEE WAS ESTABLISHED PURSUANT TO THE NATIONAL EMERGENCY LAW OF APRIL 4, 1973. THAT LAW EMPOWERS THE EXECUTIVE TO DECLARE A STATE OF NATIONAL EMERGENCY, WHICH ENABLES THE NATIONAL EMERGENCY COMMITTEE TO TAKE ANY MEASURES NECESSARY TO "MAINTAIN PUBLIC TRANQUILITY, POLITICAL OR ECONOMIC STABILITY, THE CREDIT, SECURITY AND PRESTIGE OF THE COUNTRY AND INTERNAL PEACE." ACCORDING TO THE LAW, ALL PERSONS, ENTERPRESIES OR INSTITUTIONS ARE OBLIGED TO COOPERATE WITH THE NATIONAL EMERGENCY COMMITTEE OR SUFFER FINES IMPOSED BY THE COMMITTEE.

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2. THE GOVERNMENT CONTENTS THAT THE STATE OF EMERGENCY DECLARED AFTER THE EARTHQUAKE THAT DESTROYED MANAGUA IN DEC 1972 IS STILL,IN FORCE, THAT THIS WAS CONFIRMED IN A DECREE OF JUNE 28, 1974, AND THAT THE RECENT REORGANIZATION OF THE NATIONAL EMERGENCY COMMITTEE ONLY INVOLVED A CHANGE IN PERSONNEL. THE PRESIDENT OF THE OPPOSITION COALITION UNION OF DEMOCRATIC LIBERATION (UDEL), HOWEVER, ARGUED

IN CONVERSATION WITH MEMBERS THAT THE LAW OF NATIONAL EMERGENCY CANNOT BE LEGALLY APPLIED WITHOUT MARTIAL LAW, SINCE IT CONTEMPLATES THE SUPPRESSION OF BASIC CONSTITUTIONAL RIGHTS.

2. COMMENT: THE RESURRECTION OF THE STATE OF EMERGENCY IS AIMED AT PROVIDING THE GON WITH THE APPEARANCE OF LEGALITY FOR ANY STEPS IT MAY DECIDE TO TAKE AGAINST THE FIRMS AND UNIONS THAT ARE ENGAGED IN THE NATIONAL WORK STOPPAGE. THE GON APPEARS TO BE UNWILLING TO DECLARE MARTIAL LAW. THE IMPOSITION OF MARTIAL LAW MIGHT BE PERCEIVED AS AN ADMISSION OF WEAKNESS AND CAUSE NEGATIVE INTERNATIONAL REPERCUSSIONS.

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